

THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT  
HILLSBOROUGH COUNTY  
SOUTHERN DISTRICT

I, Amy M. Feliciano, Clerk of the Superior Court of the State of New Hampshire for the County of Hillsborough, Southern District, the same being a court of record having a seal, and having custody of the records of the said Superior Court, do hereby certify that the attached are true copies of the Complaint, Summons on Complaint, Appearance of J. Bradford Westgate, Answer of Harbor Homes, Inc., Appearance of J. Daniel Marr, Answer of Enterprise Bank and Trust Company, Appearance of Nicholas A. Kanakis, Answer of Nicholas A. Kanakis, Answer of New Hampshire Community Loan Fund, Inc., Motion to Extend Time for Service, Appearance of Peter J. Nicosia, Request for New Summons, Appearance of Kristin G. Fields, Answer of Ahang Holdings, LLC, two Summons on Complaint, Return of Service, Appearance of William Barry, Answer of GSR Ventures, Inc., Acceptance of Service, Docket Markings as to Zhang Holdings LLC Only, Answer of SPSC Associates LLC, Notice of Removal, in the action case # 226-2024-CV-00102 1987 Tamposi Limited Partnership v. Department of Transportation Federal Aviation Administration, et al of said Superior Court.

In witness whereof I have hereunto set my hand  
and affixed the seal of said Superior Court at  
this 12th day of June A.D. 2024



*Kathleen D. Brown*

Kathleen D. Brown

Deputy Clerk of Court

June 12, 2024

Amy M. Feliciano  
Clerk of Superior Court

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

1987 Tamposi Limited Partnership

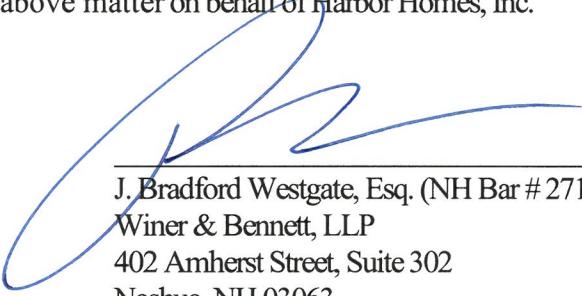
v.

Department of Transportation, Federal Aviation Administration et al

**ACCEPTANCE OF SERVICE**

NOW COMES, J. Bradford Westgate, Esq., counsel for the Defendant, Harbor Homes, Inc., in the above matter, hereby waiving any right to service by sheriff and accepting service of the Summons and Complaint in the above matter on behalf of Harbor Homes, Inc.

Dated: March 12, 2024



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J. Bradford Westgate, Esq. (NH Bar # 2716)  
Winer & Bennett, LLP  
402 Amherst Street, Suite 302  
Nashua, NH 03063  
(603) 882-5157  
[jbwestgate@winerbennett.com](mailto:jbwestgate@winerbennett.com)

True Copy Attest



Amy M. Feliciano  
Clerk of Court  
June 12, 2024

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP  
HILLSBOROUGH COUNTY SC, SOUTH  
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,  
INC. & GSR VENTURES, L

04/02/2024

I SUMMONED THE WITHIN NAMED ENTERPRISE BANK, INC.

BY GIVING IN HAND TO TIFFANY CARPENITO, SENIOR BRANCH SERVICE MANAGER FOR  
THE WITHIN NAMED, BEING AT 493 AMHERST ST NASHUA, NH, AN ATTESTED COPY OF  
THIS SUMMONS AT 10:37am.



DEPUTY SHERIFF AUSTIN BERNARD

MERRIMACK, SS.

03/08/2024

I, DEPUTY MICHAEL A DOYLE, make oath that on 03/08/2024 at 01:45pm, I served the within named NEW HAMPSHIRE COMMUNITY LOAN FUND, INC., by leaving at then office with Amanda Mischke, located at 7 WALL ST, CONCORD, NH, a copy of the Summons and Complaint, attested by the Clerk of the Court.

FEES

Service	\$32.43
Postage	1.00
Travel	18.34

TOTAL	\$51.77
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\_\_\_\_\_  
DEPUTY MICHAEL A DOYLE  
Merrimack County Sheriff's Office

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP

HILLSBOROUGH COUNTY SC, SOUTH

DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,  
INC. & GSR VENTURES, L

04/18/2024

I SUMMONED THE WITHIN NAMED GSR VENTURES, LLC  
BY LEAVING AT THE ABODE OF GERALD ROTH, REGISTERED AGENT FOR THE WITHIN  
NAMED, BEING AT 10 QUARRY RD NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS  
AT 07:05pm.



DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP

HILLSBOROUGH COUNTY SC, SOUTH

DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,  
INC. & GSR VENTURES, L

04/09/2024

I SUMMONED THE WITHIN NAMED **MILLYARD BANK**  
BY GIVING IN HAND TO FRANK TEAS, PRESIDENT FOR THE WITHIN NAMED, BEING AT  
57 NORTHEASTERN BLVD NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS AT  
11:43am.



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DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD  
GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP  
HILLSBOROUGH COUNTY SC, SOUTH  
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,  
INC. & GSR VENTURES, L

04/18/2024

I SUMMONED THE WITHIN NAMED **NASHUA ELKS LODGE 720**  
BY GIVING IN HAND TO ROB SCHNEIDER, EXALTED RULER FOR THE WITHIN NAMED,  
BEING AT 12 MURPHY DR Apt. #3 NASHUA, NH, AN ATTESTED COPY OF THIS SUMMONS  
AT 06:54pm.



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DEPUTY SHERIFF AUSTIN BERNARD

HILLSBOROUGH COUNTY SHERIFF'S OFFICE

329 MAST ROAD

GOFFSTOWN, NH 03045

RETURN OF SERVICE

SHERIFF WRIT 24-2083-CP

HILLSBOROUGH COUNTY SC, SOUTH

DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. HARBOR HOMES, INC. & ENTERPRISE BANK,  
INC. & GSR VENTURES, L

04/09/2024

I SUMMONED THE WITHIN NAMED **ZHANG HOLDINGS, LLC**  
BY GIVING IN HAND TO XIAOZHONG ZHANG, REGISTERED AGENT FOR THE WITHIN  
NAMED, BEING AT 12 MURPHY DR Apt. #100 NASHUA, NH, AN ATTESTED COPY OF THIS  
SUMMONS AT 11:38am.

  
\_\_\_\_\_  
DEPUTY SHERIFF AUSTIN BERNARD

RETURN OF SERVICE

SHERIFF WRIT 24-2033-CP  
HILLSBOROUGH COUNTY SC, SOUTH  
DOCKET NUMBER 226-2024-CV-00102

1987 TAMPOSI LIMITED PARTNERSHIP V. TD BANK

03/07/2024

I SUMMONED THE WITHIN NAMED TD BANK  
BY GIVING IN HAND TO ANGEL CUADRADO, STORE MANAGER FOR THE WITHIN NAMED,  
BEING AT 300 FRANKLIN ST MANCHESTER, NH, AN ATTESTED COPY OF THIS SUMMONS  
AT 10:40am.



DEPUTY SHERIFF PAUL MONTRAY

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICT

SUPERIOR COURT  
226-2024-CV-00102

1987 Tamposi Limited Partnership

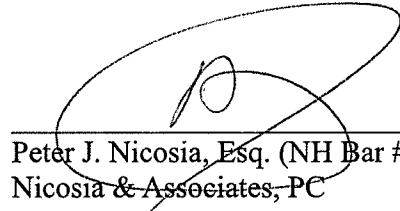
v.

Department of Transportation, Federal Aviation Administration et al

**ACCEPTANCE OF SERVICE**

NOW COMES, Peter J. Nicosia, Esq., counsel for the Defendant, SPSC Associates LLC,  
in the above matter, hereby waiving any right to service by sheriff and accepting service of the  
Summons and Complaint in the above matter.

Dated: 5/7/24

  
Peter J. Nicosia, Esq. (NH Bar # 14922)  
Nicosia & Associates, PC  
P.O. Box 721  
259 Middlesex Road  
Tyngsboro, MA 01879  
(978) 649-4300  
[nicosia@nicosia-associates.com](mailto:nicosia@nicosia-associates.com)

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**SUMMONS IN A CIVIL ACTION**



**Case Name: 1987 Tamposi Limited Partnership v Department of Transportation Federal Aviation Administration, et al  
Case Number: 226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

April 18, 2024

1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

May 09, 2024

1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant is served

Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millyard Bank; Zhang Holdings, LLC:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolis, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060

Department of Transportation	12 New England Executive Park Burlington MA 01803
Federal Aviation	
Administration	
Harbor Homes, Inc	45 Hight Street Nashua NH 03060
Enterprise Bank	493 Amherst Street Nashua NH 03063
New Hampshire Community	7 Wall Street Concord NH 03301
Loan Fund, Inc	
GSR Ventures, LLC	10 Quarry Road Nashua NH 03062
The Millyard Bank	57 Northeastern Boulevard Nashua NH 03062
Nashua Lodge 720 Benevolent	12 Murphy Drive Unit 3 Nashua NH 03062
and Protective Order of Elks	
Zhang Holdings, LLC	12 Murphy Drive Suite 100 Nashua NH 03062
TD Bank, NA	300 Franklin Street Manchester NH 03101
SPSC Associates, LLC	c/o Residuary Trust under Article Fourth u/w/o James F Gieber 10 Drum Hill Lane Randolph NJ 07869

BY ORDER OF THE COURT

Amy M. Feliciano  
Clerk of Court

March 04, 2024

(1261021)

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE TO DEFENDANT**

**1987 Tamposi Limited Partnership v Department of Transportation  
Federal Aviation Administration, et al  
226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

**IMPORTANT:** After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us).

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

**1987 Tamposi Limited Partnership**  
20 Trafalgar Square, Suite 310  
Nashua, New Hampshire 03063

v.

**Department of Transportation  
Federal Aviation Administration**

New England Region  
12 New England Executive Park  
Burlington, MA 01803

and

**Harbor Homes, Inc.**

45 High Street  
Nashua, New Hampshire 03060  
and

**Enterprise Bank**

493 Amherst Street  
Nashua, New Hampshire 03063  
and

**New Hampshire Community Loan Fund, Inc.**

7 Wall Street  
Concord, New Hampshire 03301  
and

**GSR Ventures, LLC**

10 Quarry Road  
Nashua, New Hampshire 03062  
and

**The Millyard Bank**

57 Northeastern Boulevard  
Nashua, New Hampshire 03062  
and

**Nashua Lodge 720 Benevolent and Protective Order  
of Elks of the United States of America**

12 Murphy Drive, Unit 3  
Nashua, New Hampshire 03062  
and

**Zhang Holdings LLC**

12 Murphy Drive, Suite 100  
Nashua, New Hampshire 03062

and  
**TD Bank, NA**  
300 Franklin Street  
Manchester, New Hampshire 03101  
and  
**SPSC Associates, LLC**  
**c/o Residuary Trust under Article Fourth u/w/o James F Gieber**  
10 Drum Hill Lane  
Randolph, New Jersey 07869

**PETITION TO QUIET TITLE**

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, P.A. and complains against the Defendants, Department of Transportation FAA, Harbor Homes, Inc., Enterprise Bank, Community Loan Fund, GSR Ventures, LLC, Millyard Bank, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America, Zhang Holdings, LLC, TD Bank, NA and SPSC Associates, LLC c/o Residuary Trust under Article Fourth u/w/o James F Gieber, and states as follows:

**PARTIES**

1. The Plaintiff, 1987 Tamposi Limited Partnership, a New Hampshire limited partnership with a principal place of business at 20 Trafalgar Square, Suite 310, Nashua, New Hampshire.
2. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is a United States government organization with a mailing address of 12 New England Executive Park, Burlington, Massachusetts.
3. The Defendant, Harbor Homes, Inc. is a New Hampshire non-profit corporation with a principal place of business at 45 High Street, Nashua, New Hampshire.

4. The Defendant, Enterprise Bank and Trust Company is a foreign profit corporation with a principal address of 222 Merrimack Street, Lowell, Massachusetts with a branch office located at 493 Amherst Street, Nashua, New Hampshire.

5. The Defendant, New Hampshire Community Loan Fund, Inc. is a New Hampshire non-profit corporation with a principal address of 7 Wall Street, Concord, New Hampshire.

6. The Defendant, GSR Ventures, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Unit 100, Nashua, New Hampshire.

7. The Defendant, The Millyard Bank is a domestic profit corporation with a principal address of 57 Northeastern Boulevard, Nashua, New Hampshire.

8. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is a New Hampshire non-profit corporation with a principal address of 12 Murphy Drive, Unit 3, Nashua, New Hampshire.

9. The Defendant, Zhang Holdings, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Suite 100, Nashua, New Hampshire.

10. The Defendant, TD Bank, N.A., is a national banking association, with a principal address at 2035 Limestone Road, Wilmington, Delaware with a local main office at 300 Franklin Street, Manchester, New Hampshire.

11. The Defendant, SPSC Associates, LLC is a domestic limited liability company with a mailing address of c/o Residuary Trust under Article Fourth u/w/o James F Gieber, 10 Drum Hill Lane, Randolph, New Jersey.

12. This court has jurisdiction as the real estate in question is owned by the Plaintiff is located in Nashua, County of Hillsborough and State of New Hampshire.

## FACTS

13. The Plaintiff is the owner of the real estate located at 57 Northeastern Boulevard, Nashua, New Hampshire, and shown as Tax Map 140, Lot 68 on the City of Nashua Tax Assessor's sheets. The property was conveyed to the Plaintiff by deed of Q. Peter Nash and Debra A. Nash, Trustees of the Gerald Q. Nash 1987 Trust, David Tully and Samuel A. Tamposi, Jr. Trustees of the Samual A. Tamposi 1987 Trust, Ballinger Properties, LLC and Five N Associates, dated April 5, 1995, and recorded in the Hillsborough County Registry of Deeds in Book 5620, Page 601. Reference is also made to a name change document recorded in said Registry February 1, 2000 in Book 6205, Page 1463.

14. The Plaintiff's property is also shown as Lot 68/Sheet 140 on a Plan of Land entitled "Subdivision Plan, 55 Northeastern Boulevard, Nashua, NH" dated May 28, 2002 and recorded in the Hillsborough County Registry of Deeds as Plan No. 32343.

15. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is the owner of property located at 11 Murphy Drive, Nashua, New Hampshire and acquired title by deed dated August 18, 1995 and recorded in the Hillsborough County Registry of Deeds in Book 5649, Page 1296.

16. Harbor Homes, Inc. is the owner of property located at 75-77 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated January 11, 2017 and recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1207.

17. The Defendant, Enterprise Bank and Trust Company is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1210 and an Assignment of Rents and Leases recorded at Book 8936, Page 1232.

18. The Defendant, New Hampshire Community Loan Fund, Inc. is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage is recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1237 and an Assignment of Rents and Leases recorded at Book 8936, Page 1257.

19. GSR Ventures is the owner of 12 Murphy Drive, Unit 100, Nashua, New Hampshire and acquired title by deed dated August 15, 2005 and recorded in the Hillsborough County Registry of Deeds in Book 7524, Page 2615.

20. The Defendant, The Millyard Bank is the holder of a mortgage granted by GSR Ventures, LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9642, Page 2915 and an Assignment of Rents and Leases recorded at Book 9642, Page 2932.

21. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is the owner of property located at 12 Murphy Drive, Unit 3, Nashua, New Hampshire and acquired title to the property by deed dated July 22, 2016 and recorded in the Hillsborough County Registry of Deeds at Book 8877, Page 2882.

22. The Defendant, Zhang Holdings LLC is the owner of property located at 12 Murphy Drive, Suite 100, Nashua, New Hampshire and acquired title to the property by deed dated March 23, 2023 and recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2200.

23. The Defendant, TD Bank, N.A. is the holder of a mortgage granted by Zhang Holdings LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2202 and an Assignment of Leases and Rents recorded at Book 9690, Page 2236.

24. SPSC Associates, LLC is the owner of property located at 85 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated April 22, 1999 and recorded in the Hillsborough County Registry of Deeds at Book 6093, Page 1165.

25. The above-referenced Subdivision Plan was submitted to the City of Nashua Planning Board. Following a public hearing and on August 8, 2002, the City of Nashua Planning Board approved the Subdivision Plan. The plan of land creating the Plaintiff's lot was recorded in the Hillsborough County Registry of Deeds on March 21, 2003 as Plan No. 32343.

26. The subdivision application and the approved plan depicted the creation of the Plaintiff's lot whereby the lot would contain 2.18 acres.

27. On May 13, 2003, the City of Nashua Building Inspector issued a "Foundation Only" building permit for the property. In 2003, the Plaintiff constructed the foundation in accordance with the permit. The foundation is set back approximately 30 feet from Northeastern Boulevard.

28. A site plan dated September 4, 2019 was prepared on behalf of the Plaintiff and submitted with the City of Nashua Planning Board. The 2019 site plan depicted a two-story building with associated parking areas, accessways, walkways and drainage areas. The site plan depicted a building with less than 75 feet building setback from Northeastern Boulevard.

29. A 28,000 square foot commercial office building and improvements including parking, access ways, drainage areas and landscaping was constructed on the property in 2020. The building was constructed on the foundation installed in 2003.

30. The site plan depicted paving and other artificial surface areas, some of which had a setback of less than 10 feet from all property lines on the lot.

31. The 2019 site plan also depicted the lot as containing 2.18 acres.

32. On April 4, 1977, Samuel A. Tamposi and Gerald Q. Nash executed a Declaration of Covenants which was recorded in the Hillsborough County Registry of Deeds on April 20, 1977 at Book 2521, Page 631, hereinafter "Covenants". A copy of the Covenants is attached hereto as Exhibit 1.

33. The Covenants imposed several restrictions on the Plaintiff's property including the following Covenants:

- A. There shall be no use or sale or conveyance of any lot in the above-described parcels unless such lot shall be at least three (3) acres in size.
- B. No more than forty percent (40%) of the area of any such lot shall be utilized by any buildings or structures or combination thereof.
- C. Every building or structure on any such lot shall be set back a minimum of seventy-five (75) feet from all street lines, and a minimum of thirty (30) feet from all other property lines of the lot on which they stand. All paving or other artificial surfacing shall be set back a minimum of ten (10) feet from all property lines of the lot on which it is placed.
- ...
- H. The said premises shall be used in conformity with the requirements of the Zoning Ordinance of the City of Nashua as amended to July 22, 1966.

34. Since 2002, the subject parcel has contained 2.18 acres whereas Covenant A requires 3 acres.

35. The subject property contains building area, including paved areas, access ways and walk ways, which comprise more than 40% of the area of the lot.

36. The building on the property is located less than 75 feet from Northeastern Boulevard, specifically, the building is located approximately 30 feet from Northeastern Boulevard and elements of the paving and other artificial surface areas are not set back 10 feet from all property lines.

37. The violation of the lot size and location of the building foundation has been in existence for over 21 years. The violation of lot lines has been publicly disclosed, notice of which was provided to the Defendants or their predecessors in title and installed in such a way that it has been open, obvious and notorious.

38. The building, ancillary structures, improvements and setbacks conform to the Zoning Ordinance for the City of Nashua in effect at the time of the construction. The Zoning Ordinance in effect in 1966 is not applicable to the building as constructed and approved decades later.

39. No person acting through the Defendants or any other person have protested or objected to any violation of the Covenants or otherwise sought to enforce the Covenants.

40. At the time of the creation of the Covenants in 1977, the Plaintiff's property was vacant. The improvements and structures constructed are significant changes to the property. These improvements are in harmony with the existing uses of the area including the uses of the Defendants' properties. The Defendants would not be benefitted by enforcement of the Covenants.

41. Injunctive relief against violation of the obligations arising out of a promise respecting the use of land cannot be secured if conditions have so changed since the making of the promise as to make it impossible longer to secure in a substantial degree the benefits intended to be secured by the performance of the promise. See *Restatement (First) of Property* § 564 (1944) cited in *Goldberg v Al Tinson, Inc.* 115 N.H. 271, 274 ((1975)).

42. All actions of the Plaintiff were done in a public manner, openly and conspicuously. In reliance upon the lack of any objection, the building was constructed on the

property and in conformance with the site plan and subdivision plan. Any enforcement of the Covenants is unreasonable and will cause substantial prejudice to the Plaintiff.

43. Because it is an equitable doctrine, “laches will constitute a bar to suit only if the delay was unreasonable and prejudicial.” *Jenot v. White Mt. Acceptance Corp.*, 124 N.H. 701, 710, 474 A.2d 1382, 1387 (1984).

44. The Covenants constitute a cloud upon the Plaintiff’s title to the property and no benefit would accrue to the Defendants by any enforcement thereof.

45. Plaintiff seeks a declaratory ruling that the Covenants are null and void and that an enforcement action cannot be maintained as a result of the expiration of 20 years since the lot was created and the foundation installed, the changed circumstances and the unreasonable delay on behalf of the Defendants or any other person or entity thereunder who would have standing to enforce the Covenants.

WHEREFORE, the Plaintiff respectfully requests:

A. That the Court schedule this matter for a hearing on the merits;

B. That the Court issue and rule that the Defendants may not enforce the Covenants so that the Plaintiff may continue to use and occupy the building, structures and improvements constructed on Lot 68/140 being 57 Northeastern Boulevard, Nashua, New Hampshire consistent with the site plans and permits as approved by the City of Nashua, unencumbered by the Declaration of Covenants;

C. For such other and further relief as may be just.

Respectfully submitted,

1987 TAMPOSI LIMITED PARTNERSHIP,  
By Its Sole General Partner,  
Ballinger Properties, L.L.C.

Dated: February 26, 2024

By: Samuel A. Tamposi, Jr., Manager  
Samuel A. Tamposi, Jr., Manager

BY AND THROUGH ITS ATTORNEYS,  
GOTTESMAN & HOLLIS, PA

Dated: February 26, 2024

By: Paul M. DeCarolis  
Paul M. DeCarolis, Esq. (NH Bar #596)  
39 East Pearl Street  
Nashua, NH 03060  
(603) 889-5959  
[pdecarolis@nh-lawyers.com](mailto:pdecarolis@nh-lawyers.com)

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

**AFFIDAVIT OF SERVICE**

I, Paul M. DeCarolis, counsel for the Plaintiff, 1987 Tamposi Limited Partnership, under oath, and states as follows:

1. On February 27, 2024, Plaintiff filed its Petition to Quiet Title with this Court relating to various defendants.
2. On March 6, 2024, Plaintiff's counsel forwarded the Summons and Petitions to Quiet Title to the multiple sheriff departments for service on the various defendants. As to defendant Department of Transportation, Federal Aviation Administration, the Summons and Petition to Quiet Title was forwarded to the Middlesex County Sheriff's Office for service on the FAA at 12 New England Executive Park in Burlington, Massachusetts. On April 2, 2024, undersigned counsel received a call from the Middlesex County Sheriff's Office indicating that they were backlogged and were attempting to serve the FAA prior to the service deadline. On May 9, 2024, the Middlesex County Sheriff's Office returned the Summons and Petition to Quiet Title as undeliverable as they were unable to gain access to the secured facility at 12 New England Executive Park in Burlington, Massachusetts.
3. On April 18, 2024, Plaintiff's counsel filed a Motion to Extend the Deadline for service on multiple defendants. The Court approved the Motion on April 30, 2024.

4. On May 16, 2024, pursuant to RSA 510:4, a copy of the Summons and Petition to Quiet Title was served upon the New Hampshire Secretary of State and the \$10.00 fee was paid on behalf of the defendant. A copy of the return of service is attached as Exhibit A.

5. On May 20, 2024, a copy of the process served upon the Secretary of State was sent by registered mail, postage prepaid, return receipt requested to the Department of Transportation, Federal Aviation Administration at its address of 12 New England Executive Park, Burlington, Massachusetts 01803.

6. The registered mail, postage prepaid, return receipt requested was returned on May 28, 2024 indicating that the registered mail was received by the Department of Transportation, Federal Aviation Administration at its address of 12 New England Executive Park, Burlington, Massachusetts 01803 on May 22, 2024. See postage return receipt card is attached as Exhibit B.

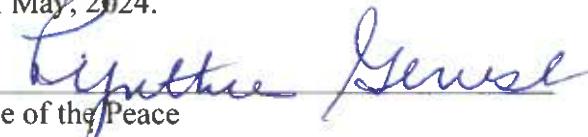
Dated: May 28, 2024



Paul M. DeCarolis, NH Bar No. 596  
Gottesman & Hollis, PA  
39 East Pearl Street  
Nashua, NH 03060  
(603)318-0447  
[pdecarolis@nh-lawyers.com](mailto:pdecarolis@nh-lawyers.com)

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

Subscribed and sworn to on this 28<sup>th</sup> day of May, 2024.



Justice of the Peace

Cynthia M. Genest  
★ Justice of the Peace, New Hampshire ★  
My Commission Expires July 12, 2027

CERTIFICATE OF SERVICE

I hereby certify that on this 28<sup>th</sup> day of May, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.



---

Paul M. DeCarolis, Esq.

**Merrimack County Sheriff's Office**

DAVID A. CROFT  
 333 Daniel Webster Hwy  
 Boscawen, NH 03303  
 Phone: 603-796-6600

**EXHIBIT A**

DOT, FEDERAL AVIATION ADMINISTRATION  
 12 NEW ENGLAND EXECUTIVE PARK  
 BURLINGTON, MA 01803

**AFFIDAVIT OF SERVICE**

MERRIMACK, SS.

5/16/24

I, SERGEANT STACIE FISKE, this date at 11:10 a.m. / p.m., summoned the within named defendant DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION as within commanded by leaving at the office of David Scanlan, Secretary of State of New Hampshire, its true and lawful Attorney for the service of process under, and by virtue of, Chapter 510:4, New Hampshire Revised Statutes Annotated, as amended, a true and attested copy of this Summons and Complaint w/ Petition to Quiet Title, and I paid the Secretary of State ten (\$10.00) dollars as his fee for accepting service.

**FEES**

Service	\$32.43
Postage	1.00
Travel	18.34
PD to SOS	10.00
<hr/> TOTAL	<hr/> \$61.77

*Stacie Fiske*  
 SERGEANT STACIE FISKE  
 Merrimack County Sheriff's Office

## EXHIBIT B

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> Carlos A. Ruiz <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <input type="checkbox"/> Carlos A. Ruiz <input type="checkbox"/> Date of Delivery  <input type="checkbox"/> 5/22/24</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes    If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Dept of Transportation    FAA    New England Region    12 New England Executive Park    Burlington MA 01803</p> <p>9590 9402 8708 3310 6706 96</p> <p>RE 277 714 423 US</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Priority Mail Express®  <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery  <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>			

## STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

SOUTHERN DISTRICT

SUPERIOR COURT

True Copy Attest



  
Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

V.

Department of Transportation, Federal Aviation Administration, et al

226-2024-CV-00102

**ENTERPRISE BANK AND TRUST COMPANY'S ANSWER  
TO PLAINTIFF'S PETITION TO QUIET TITLE**

**NOW COMES** Enterprise Bank and Trust Company, by and through its attorneys, Hamblett & Kerrigan, and Answers the Petition to Quiet Title as follows:

1. Enterprise Bank and Trust Company (hereinafter "Enterprise Bank") is the secured lender of Harbor Homes, Inc. (hereinafter "Harbor Homes") related to this property. Having reviewed the Answer of Harbor Homes to Plaintiff's Petition, Enterprise Bank incorporates by reference their responses thereto. Further, Enterprise Bank takes no further position other than those taken by its borrower Harbor Homes.

**WHEREFORE**, Enterprise Bank respectfully requests this Honorable Court to:

A. Provide due consideration to the Petition, Harbor Home's Answers, and all other Answers and pleadings filed by and on behalf of all the parties; and

B. Grant such other and further relief as is just and proper.

Respectfully submitted,  
**ENTERPRISE BANK AND TRUST COMPANY**  
By Its Attorneys,  
**HAMBLETT & KERRIGAN, P.A.**

DATED: APRIL 11, 2024

By: /s/ J. Daniel Marr

**J. DANIEL MARR, ESQUIRE**  
NH Bar No.: 4091  
20 Trafalgar Square  
Suite 505  
Nashua, NH 03063  
(603) 883-5501  
[dmarr@hamker.com](mailto:dmarr@hamker.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing **Enterprise Bank and Trust Company's Answer to Plaintiff's Petition to Quiet Title** via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

DATED: APRIL 11, 2024

/s/ J. Daniel Marr

**J. DANIEL MARR, ESQUIRE**

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICT

SUPERIOR COURT  
226-2024-CV-00102



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

**ANSWER BY GSR VENTURES, LLC, TO PETITION TO QUIET TITLE**

NOW COMES GSR Ventures, LLC, a Defendant in the above matter, by and through its counsel, Barry & Honorow, PLLC, and ANSWERS the Petition to Quiet Title filed by 1987 Tamposi Limited Partnership and states as follows, the numbers below corresponding to the numbers in the Petition.

**PARTIES**

1. GSR Ventures, LLC, ADMITS the statements in paragraph 1.
2. GSR Ventures, LLC, ADMITS the statements in paragraph 2
3. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 3 and thus DENIES the same.
4. GSR Ventures, LLC, ADMITS the statements in paragraph 4.
5. GSR Ventures, LLC, ADMITS the statements in paragraph 5.
6. GSR Ventures, LLC, ADMITS the statements in paragraph 6.
7. GSR Ventures, LLC, ADMITS the statements in paragraph 7.
8. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 8 and thus DENIES the same.
9. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 9 and thus DENIES the same.
10. GSR Ventures, LLC, ADMITS the statements in paragraph 10.

11. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 11 and thus DENIES the same.

12. GSR Ventures, LLC, ADMITS the statements in paragraph 12.

#### FACTS

13. GSR Ventures, LLC, ADMITS the statements in paragraph 13.

14. GSR Ventures, LLC, ADMITS the statements in paragraph 14.

15. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 15 and thus DENIES the same.

16. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 16 and thus DENIES the same.

17. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 17 and thus DENIES the same.

18. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 18 and thus DENIES the same.

19. GSR Ventures, LLC, ADMITS the statements in paragraph 19.

20. GSR Ventures, LLC, ADMITS the statements in paragraph 20.

21. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 21 and thus DENIES the same.

22. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 22 and thus DENIES the same.

23. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 23 and thus DENIES the same.

24. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 24 and thus DENIES the same.

25. GSR Ventures, LLC, ADMITS the statements in paragraph 25.

26. GSR Ventures, LLC, ADMITS the statements in paragraph 26.
27. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 27 and thus DENIES the same.
28. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 28 and thus DENIES the same.
29. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 29 and thus DENIES the same.
30. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 30 and thus DENIES the same.
31. GSR Ventures, LLC, ADMITS the statements in paragraph 31.
32. GSR Ventures, LLC, ADMITS the statements in paragraph 32.
33. GSR Ventures, LLC, ADMITS the statements in paragraph 33.
34. GSR Ventures, LLC, ADMITS the statements in paragraph 34.
35. GSR Ventures, LLC, ADMITS the statements in paragraph 35.
36. GSR Ventures, LLC, ADMITS the statements in paragraph 36.
37. GSR Ventures, LLC, ADMITS that the violation of the lot size and location of the building foundation has been in existence for over 21 years; however, GSR Ventures, LLC, is without information as to the allegations set forth in the second sentence of paragraph 37 and thus DENIES the same.
38. GSR Ventures, LLC, is without sufficient information to admit or deny the statements in paragraph 38 and thus DENIES the same.
39. GSR Ventures, LLC, ADMITS that it never protested or objected to the violation of the Covenants and did not seek to enforce the Covenants, but is without sufficient information as to whether any other person so protested or objected to any violation of the Covenants or sought to enforce the Covenants and thus DENIES that aspect of paragraph 39.
40. GSR Ventures, LLC, ADMITS the statements in paragraph 40.

41. The statements in paragraph 41 are conclusions or statements of law and thus no response is necessary.

42. GSR Ventures, LLC, ADMITS that the allegations in the first sentence of paragraph 42 but is without sufficient information to admit or deny the allegations in the second and third sentences of paragraph 42 and thus DENIES the same.

43. The statements in paragraph 43 are conclusions or statements of law and thus no response is necessary. GSR Ventures, LLC, states that the more accurate quote from Jenot v. White Mt. Acceptance Corp., 124 N.H. 701 (1984) is “When the delay in bringing suit is less than the applicable limitation period, laches will constitute a bar to suit only if the delay was unreasonable and prejudicial. . . .The party asserting laches **bears** the burden of proving both that the delay was unreasonable and that prejudice resulted from the delay.” *Id.* at 710. Citation omitted. Emphasis added.

44. GSR Ventures, LLC, ADMITS that the Covenants constitute a cloud upon the Plaintiff's title and ADMITS that no benefit would accrue to GSR Ventures, LLC, by any enforcement thereof, but is without sufficient information to admit or deny whether any benefit would accrue to any other Defendants and thus DENIES the same.

45. GSR Ventures, LLC, states that the statements in paragraph 45 are not statements of fact but prayers for relief and/or conclusions at law and thus no response is required.

WHEREFORE, GSR Ventures, LLC, prays that the Court give due consideration to the Petition, GSR Ventures, LLC's Answer and all answers and other pleadings filed by or on behalf of all parties.

Respectfully submitted,  
GSR Ventures, LLC,  
By its Attorneys,  
Barry & Honorow, PLLC

Dated: May 15, 2024

By: /s/ William H. Barry III  
William H. Barry III (NH Bar #326)  
161 Kinsley Street  
Nashua, NH 03060  
(603) 883-0474  
bill@barrylawoffice.com

**CERTIFICATE OF SERVICE**

I, William H. Barry III, hereby certify that on May 15, 2024, served the foregoing via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

/s/ William H. Barry III  
William H. Barry III

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICT

SUPERIOR COURT  
226-2024-CV-00102



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

**ANSWER BY HARBOR HOMES, INC. TO PETITION TO QUIET TITLE**

NOW COMES Harbor Homes, Inc., a Defendant in the above matter, by and through its counsel, Winer and Bennett, LLP, and ANSWERS the Petition to Quiet Title filed by 1987 Tamposi Limited Partnership and states as follows, the numbers below corresponding to the numbers in the Petition.

**PARTIES**

1. Harbor Homes, Inc. ADMITS the statements in paragraph 1.
2. Harbor Homes, Inc. ADMITS the statements in paragraph 2.
3. Harbor Homes, Inc. admits that it is a New Hampshire voluntary (non-profit) corporation, but its principal address is 77 Northeastern Boulevard, Nashua, New Hampshire.
4. Harbor Homes, Inc. ADMITS the statements in paragraph 4.
5. Harbor Homes, Inc. ADMITS the statements in paragraph 5.
6. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 6 and thus DENIES the same.
7. Harbor Homes, Inc. ADMITS the statements in paragraph 7.
8. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 8 and thus DENIES the same.
9. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 9 and thus DENIES the same.
10. Harbor Homes, Inc. ADMITS the statements in paragraph 10.

11. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 11 and thus DENIES the same.

12. Harbor Homes, Inc. ADMITS the statements in paragraph 12.

FACTS

13. Harbor Homes, Inc. ADMITS the statements in paragraph 13.

14. Harbor Homes, Inc. ADMITS the statements in paragraph 14.

15. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 15 and thus DENIES the same.

16. Harbor Homes, Inc. ADMITS the statements in paragraph 16.

17. Harbor Homes, Inc. ADMITS the statements in paragraph 17.

18. Harbor Homes, Inc. ADMITS the statements in paragraph 18.

19. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 19 and thus DENIES the same.

20. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 20 and thus DENIES the same.

21. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 21 and thus DENIES the same.

22. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 22 and thus DENIES the same.

23. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 23 and thus DENIES the same.

24. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 24 and thus DENIES the same.

25. Harbor Homes, Inc. ADMITS the statements in paragraph 25.

26. Harbor Homes, Inc. ADMITS the statements in paragraph 26.

27. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 27 and thus DENIES the same.

28. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 28 and thus DENIES the same.

29. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 29 and thus DENIES the same.

30. Harbor Homes, Inc. is without sufficient information to admit or deny the statements in paragraph 30 and thus DENIES the same.

31. Harbor Homes, Inc. ADMITS the statements in paragraph 31.

32. Harbor Homes, Inc. ADMITS the statements in paragraph 32.

33. Harbor Homes, Inc. ADMITS the statements in paragraph 33.

34. Harbor Homes, Inc. ADMITS the statements in paragraph 34.

35. Harbor Homes, Inc. ADMITS the statements in paragraph 35.

36. Harbor Homes, Inc. ADMITS the statements in paragraph 36.

37. Harbor Homes, Inc. admits that the violation of the lot size and location of the building foundation has been in existence for over 21 years; however, Harbor Homes, Inc. is without information as to the allegations set forth in the second sentence of paragraph 37 and thus DENIES the same.

38. Harbor Homes, Inc. ADMITS the statements in paragraph 38.

39. Harbor Homes, Inc. admits that it never protested or objected to the violation of the Covenants and did not seek to enforce the Covenants, but is without sufficient information as to whether any other person so protested or objected to any violation of the Covenants or sought to enforce the Covenants and thus DENIES that aspect of paragraph 39.

40. Harbor Homes, Inc. ADMITS the statements in paragraph 40.

41. The statements in paragraph 41 are conclusions or statements of law and thus no response is necessary.

42. Harbor Homes, Inc. admits that the allegations in the first sentence of paragraph 42 but is without sufficient information to admit or deny the allegations in the second and third sentences of paragraph 42 and thus DENIES the same.

43. The statements in paragraph 43 are conclusions or statements of law and thus no response is necessary.

44. Harbor Homes, Inc. admits that the Covenants constitute a cloud upon the Plaintiff's title and admits that no benefit would accrue to Harbor Homes, Inc. by any enforcement thereof, but is without sufficient information to admit or deny whether any benefit would accrue to any other Defendants and thus DENIES the same.

45. Harbor Homes, Inc. states that the statements in paragraph 45 are not statements of fact but prayers for relief and/or conclusions at law and thus no response is required.

WHEREFORE, Harbor Homes, Inc. prays that the Court give due consideration to the Petition, Harbor Homes, Inc.'s Answer and all answers and other pleadings filed by or on behalf of all parties.

Respectfully submitted,  
Harbor Homes, Inc.  
By its Attorneys,  
Winer and Bennett, LLP

Dated: April 11, 2024

By: /s/ J. Bradford Westgate  
J. Bradford Westgate, Esq. (NH Bar #2716)  
402 Amherst Street, Suite 302  
Nashua, NH 03063  
(603) 882-5157  
[jbwestgate@winerbennett.com](mailto:jbwestgate@winerbennett.com)

**CERTIFICATE OF SERVICE**

I, J. Bradford Westgate, Esq., hereby certify that on April 11, 2024, served the foregoing via electronic filing upon counsel who have entered electronic service contacts (email addresses) and have mailed copies to all other interested parties.

/s/ J. Bradford Westgate  
J. Bradford Westgate, Esq.

## STATE OF NEW HAMPSHIRE

HILLSBOROUGH  
SOUTHERN DISTRICTSUPERIOR COURT  
DOCKET NO. 226-2024-CV-00102

True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration, et al

**ANSWER**

New Hampshire Community Loan Fund, Inc. Answers the Petition to Quiet Title as follows:

1. New Hampshire Community Loan Fund, Inc. is a secured lender of Harbor Homes, Inc. related to this property. Having reviewed Harbor Homes, Inc.'s Answer to the Petition to Quiet Title, New Hampshire Community Loan Fund, Inc. incorporates by reference Harbor Homes, Inc.'s responses thereto. New Hampshire Community Loan Fund Inc. takes no further position other than those taken by Harbor Homes, Inc.

New Hampshire Community Loan Fund, Inc. respectfully requests this Honorable Court:

- A. Provide due consideration to the Petition, Harbor Home's Answers, and all other Answers and pleadings filed by and on behalf of all the parties; and
- B. Grant such other relief as may be just.

Respectfully submitted,

New Hampshire Community Loan Fund, Inc.  
By its attorney,  
Smith-Weiss Shepard & Kanakis, P.C.

Dated: April 12, 2024

By: /s/ Nicholas A. Kanakis  
 Nicholas A. Kanakis NH Bar #268252  
 47 Factory Street  
 Nashua, NH 03060  
 (603) 417-3450  
[nak@nhlaw-nashua.com](mailto:nak@nhlaw-nashua.com)

**Certificate of Service**

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Date: April 12, 2024

/s/ Nicholas A. Kanakis

Nicholas A. Kanakis, Esquire

**HILLSBOROUGH, SS  
SOUTHERN DISTRICT**

**THE STATE OF NEW HAMPSHIRE**

**SUPERIOR COURT  
226-2024-CV-00102**

**1987 Tamposi Limited Partnership,  
PLAINTIFF**

v.

**Department of Transportation  
Federal Aviation Administration, et al  
DEFENDANTS**



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

**DEFENDANT SPSC ASSOCIATES, LLC  
ANSWER TO PLAINTIFF'S COMPLAINT**

NOW COMES, the Defendant SPSC Associates, LLC and hereby ANSWERS the Plaintiff's Complaint as follows:

**PARTIES**

1. Insufficient knowledge to admit or deny.
2. Insufficient knowledge to admit or deny.
3. Insufficient knowledge to admit or deny.
4. Insufficient knowledge to admit or deny.
5. Insufficient knowledge to admit or deny.
6. Insufficient knowledge to admit or deny.
7. Insufficient knowledge to admit or deny.
8. Insufficient knowledge to admit or deny.
9. Insufficient knowledge to admit or deny.
10. Insufficient knowledge to admit or deny.
11. Admit as to the mailing address.
12. Insufficient knowledge to admit or deny.

**FACTS**

13. Public record speaks for itself.
14. Public record speaks for itself.
15. Public record speaks for itself.
16. Public record speaks for itself.
17. Public record speaks for itself.
18. Public record speaks for itself.

19. Public record speaks for itself.
20. Public record speaks for itself.
21. Public record speaks for itself.
22. Public record speaks for itself.
23. Public record speaks for itself.
24. Admit.
25. Insufficient knowledge to admit or deny. Public record speaks for itself.
26. Insufficient knowledge to admit or deny. Public record speaks for itself.
27. Insufficient knowledge to admit or deny. Public record speaks for itself.
28. Insufficient knowledge to admit or deny. Public record speaks for itself.
29. Insufficient knowledge to admit or deny.
30. Insufficient knowledge to admit or deny. Public record speaks for itself.
31. Insufficient knowledge to admit or deny. Public record speaks for itself.
32. Insufficient knowledge to admit or deny. Public record speaks for itself.
33. Insufficient knowledge to admit or deny. Public record speaks for itself.
34. Insufficient knowledge to admit or deny.
35. Insufficient knowledge to admit or deny.
36. Insufficient knowledge to admit or deny.
37. Insufficient knowledge to admit or deny.
38. Insufficient knowledge to admit or deny.
39. Insufficient knowledge to admit or deny.
40. Insufficient knowledge to admit or deny.
41. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
42. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
43. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
44. Calls for a legal conclusion. Insufficient knowledge to admit or deny.
45. Calls for a legal conclusion. Insufficient knowledge to admit or deny.

PRAYER FOR RELIEF

WHEREFORE, THE DEFENDANT SPSC ASSOCIATES, LLC REQUESTS THE COURT TO GIVE DUE CONSIDERATION TO THE PLEADINGS ON FILE IN THE CASE AND FOR SUCH FURTHER RELIEF AS THE COURT DEEMS FAIR AND EQUITABLE.

Dated: June 7, 2024

RESPECTFULLY SUBMITTED,  
SPSC ASSOCIATES, LLC  
BY ITS ATTORNEYS,

/s/Peter J. Nicosia, Esq.

Peter J. Nicosia, Esquire  
NH Bar #14922  
Nicosia & Associates, PC  
PO Box 721, 259 Middlesex Road,  
Tyngsboro, MA 01879

T: 978-649-4300  
F: 978-649-9306  
E: nicosia@nicosia-associates.com

**Certificate of Service**

I Peter J. Nicosia, Attorney for the Defendant SPSC Associates LLC do hereby certify that I have caused the attached pleading to be served upon all parties and/or counsel of record by virtue of the electronic filing system or regular mail.

Date: June 7, 2024

/s/Peter J. Nicosia, Esq.  
Peter J. Nicosia, Esquire

## STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

## 1987 Tamposi Limited Partnership

v.

**Department of Transportation, Federal Aviation Administration et al****ANSWER OF ZHANG HOLDINGS, LLC**

NOW COMES Zhang Holdings, LLC, a Defendant in the above-entitled matter, by and through counsel, Cleveland, Waters & Bass, PA and ANSWERS the Petitioner to Quiet Title filed by 1987 Tamposi Limited Partnership and states the following:

**Parties**

1. Paragraph 1 is admitted.
2. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 2 and thus DENIES same.
3. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 3 and thus DENIES same.
4. Paragraph 4 is ADMITTED.
5. Paragraph 5 is ADMITTED.
6. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 6 and thus DENIES same.
7. Paragraph 7 is ADMITTED.
8. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 8 and thus DENIES same.

9. Paragraph 9 is ADMITTED.
10. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 10 and thus DENIES same.
11. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 11 and thus DENIES same.
12. Paragraph 12 is ADMITTED.

**Facts**

13. Paragraph 13 is ADMITTED.
14. Paragraph 14 is ADMITTED.
15. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 15 and thus DENIES same.
16. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 16 and thus DENIES same.
17. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 17 and thus DENIES same.
18. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 18 and thus DENIES same.
19. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 19 and thus DENIES same.
20. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 20 and thus DENIES same.
21. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in

Paragraph 21 and thus DENIES same.

22. Paragraph 22 is ADMITTED.

23. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 23 and thus DENIES same.

24. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 24 and thus DENIES same.

25. Paragraph 25 is ADMITTED.

26. Paragraph 26 is ADMITTED.

27. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 27 and thus DENIES same.

28. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 28 and thus DENIES same.

29. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 29 and thus DENIES same.

30. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 30 and thus DENIES same.

31. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 11 and thus DENIES same.

32. Paragraph 32 is ADMITTED.

33. Paragraph 33 is ADMITTED.

34. Paragraph 34 is ADMITTED

35. Paragraph 35 is ADMITTED.

36. Paragraph 36 is ADMITTED.

37. Zhang Holdings, LLC admits that the lot size and location of the building foundation violations have been in existence for over 21 years; however, Zhang Holdings, LLC is without sufficient information to either admit or deny the statements in the second sentence of Paragraph 37 and thus DENIES same.

38. Zhang Holdings, LLC is without sufficient information to admit or deny the statements in Paragraph 38 and thus DENIES same.

39. Zhang Holdings, LLC admits that it has not protested or objected to the violations; however, it is without sufficient information as to whether any other person has protested or objected and thus DENIES same.

40. Paragraph 40 is ADMITTED.

41. Paragraph 41 contains conclusions of law to which no response is required.

42. Zhang Holdings, LLC admits that the actions of the Plaintiff were public, open, and conspicuous; however, it is without sufficient information to admit or deny the allegations in the remainder of Paragraph 42 and thus DENIES same.

43. Paragraph 43 contains conclusions of law to which no response is required.

44. Paragraph 44 is ADMITTED.

45. The statements in Paragraph 45 are a prayer for relief to which no response is required.

WHEREFORE, Zhang Holdings, LLC respectfully requests that the Court give due consideration to the Petitioner and the Zhang Holdings, LLC's Answer.

Respectfully submitted,  
Zhang Holdings, LLC  
By its Attorneys,  
Cleveland, Waters & Bass, PA

Date: May 7, 2024

By: /s/ Kristin G. Fields  
Kristin G. Fields, Esq. NH Bar #20631  
Two Capital Plaza, 5<sup>th</sup> Floor  
Concord, NH 03301  
(603) 224-7761  
[fieldsk@cwbpa.com](mailto:fieldsk@cwbpa.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the within document was served via the court's ecf-filing system, this 7<sup>th</sup> day of May, 2024, upon all parties having so appeared.

/s/ Kristin G. Fields  
Kristin G. Fields

4877-1861-8300, v. 1

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_  
(if known)

**APPEARANCE/WITHDRAWAL**

**APPEARANCE**

Type of appearance (Select One)

Appearance       Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

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True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

Select One:

As Counsel for:

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

I will represent myself (*self-represented*)

**WITHDRAWAL**

As Counsel for \_\_\_\_\_

Type of Representation: (Select one)

Appearance:

Notice of withdrawal was sent to my client(s) on: \_\_\_\_\_ at the following address:

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A motion to withdraw is being filed.

Limited Appearance: (Select one)

I am withdrawing my limited appearance as I have completed the terms of the limited representation.

The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: \_\_\_\_\_

**APPEARANCE/WITHDRAWAL*****For non e-filed cases:***

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

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Other party

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Other party's attorney**OR*****For e-filed cases:***

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

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Name of Filer

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Signature of Filer

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Date

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Law Firm, if applicable

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Bar ID # of attorney

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Telephone

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Address

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E-mail

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City

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State

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Zip code

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_  
(if known)

**APPEARANCE AND WITHDRAWAL**

**APPEARANCE**

Type of appearance (Select One)

 Appearance       Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:



True Copy Attest

 Amy M. Feliciano  
 Clerk of Court  
 June 12, 2024

Select One:

 As Counsel for:

**12 Murphy Drive, Suite 100, Nashua, NH 03062**

(Name)	(Address)	(Telephone Number)
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(Name)	(Address)	(Telephone Number)
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(Name)	(Address)	(Telephone Number)
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 I will represent myself (*self-represented*)

**WITHDRAWAL**

As Counsel for \_\_\_\_\_

Type of Representation: (Select one)

 Appearance:

 Notice of withdrawal was sent to my client(s) on: \_\_\_\_\_ at the following address:

 A motion to withdraw is being filed.

 Limited Appearance: (Select one)

 I am withdrawing my limited appearance as I have completed the terms of the limited representation.

 The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: \_\_\_\_\_

APPEARANCE/WITHDRAWAL**For non e-filed cases:**

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

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Other party

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Other party's attorney**OR****For e-filed cases:**

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

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Name of Filer

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Signature of Filer

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Date

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Law Firm, if applicable

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Bar ID # of attorney

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Telephone

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Address

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E-mail

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City

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State

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Zip code

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_  
(if known)**APPEARANCE/WITHDRAWAL****APPEARANCE**

Type of appearance (Select One)

 Appearance       Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

Select One:

 As Counsel for:

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(Name)	(Address)	(Telephone Number)

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>
(Name)	(Address)	(Telephone Number)

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>
(Name)	(Address)	(Telephone Number)

 I will represent myself (*self-represented*)**WITHDRAWAL**

As Counsel for \_\_\_\_\_

Type of Representation: (Select one)

 Appearance: Notice of withdrawal was sent to my client(s) on: \_\_\_\_\_ at the following address: A motion to withdraw is being filed. Limited Appearance: (Select one) I am withdrawing my limited appearance as I have completed the terms of the limited representation. The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: \_\_\_\_\_

**APPEARANCE/WITHDRAWAL*****For non e-filed cases:***

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

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Other party

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Other party's attorney**OR*****For e-filed cases:***

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

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Name of Filer

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Signature of Filer

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Date

---

Law Firm, if applicable

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Bar ID # of attorney

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Telephone

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Address

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E-mail

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City

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State

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Zip code

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_  
(if known)

**APPEARANCE/WITHDRAWAL**

**APPEARANCE**

Type of appearance (Select One)

Appearance       Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

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True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

Select One:

As Counsel for:

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number) \_\_\_\_\_

I will represent myself (*self-represented*)

**WITHDRAWAL**

As Counsel for \_\_\_\_\_

Type of Representation: (Select one)

Appearance:

Notice of withdrawal was sent to my client(s) on: \_\_\_\_\_ at the following address:

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A motion to withdraw is being filed.

Limited Appearance: (Select one)

I am withdrawing my limited appearance as I have completed the terms of the limited representation.

The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Number: \_\_\_\_\_

**APPEARANCE/WITHDRAWAL*****For non e-filed cases:***

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

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Other party

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Other party's attorney**OR*****For e-filed cases:***

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

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Name of Filer

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Signature of Filer

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Date

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Law Firm, if applicable

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Bar ID # of attorney

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Telephone

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Address

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E-mail

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City

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State

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Zip code

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

**1987 Tamposi Limited Partnership**  
 20 Trafalgar Square, Suite 310  
 Nashua, New Hampshire 03063

v.

**Department of Transportation**  
**Federal Aviation Administration**

New England Region  
 12 New England Executive Park  
 Burlington, MA 01803

and

**Harbor Homes, Inc.**

45 High Street  
 Nashua, New Hampshire 03060

and

**Enterprise Bank**

493 Amherst Street  
 Nashua, New Hampshire 03063

and

**New Hampshire Community Loan Fund, Inc.**

7 Wall Street  
 Concord, New Hampshire 03301

and

**GSR Ventures, LLC**

10 Quarry Road  
 Nashua, New Hampshire 03062

and

**The Millyard Bank**

57 Northeastern Boulevard  
 Nashua, New Hampshire 03062

and

**Nashua Lodge 720 Benevolent and Protective Order  
 of Elks of the United States of America**

12 Murphy Drive, Unit 3  
 Nashua, New Hampshire 03062

and

**Zhang Holdings LLC**

12 Murphy Drive, Suite 100  
 Nashua, New Hampshire 03062

True Copy Attest  
  
 Amy M. Feliciano  
 Clerk of Court  
 June 12, 2024

and  
**TD Bank, NA**  
300 Franklin Street  
Manchester, New Hampshire 03101  
and  
**SPSC Associates, LLC**  
**c/o Residuary Trust under Article Fourth u/w/o James F Gieber**  
10 Drum Hill Lane  
Randolph, New Jersey 07869

**PETITION TO QUIET TITLE**

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, P.A. and complains against the Defendants, Department of Transportation FAA, Harbor Homes, Inc., Enterprise Bank, Community Loan Fund, GSR Ventures, LLC, Millyard Bank, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America, Zhang Holdings, LLC, TD Bank, NA and SPSC Associates, LLC c/o Residuary Trust under Article Fourth u/w/o James F Gieber, and states as follows:

**PARTIES**

1. The Plaintiff, 1987 Tamposi Limited Partnership, a New Hampshire limited partnership with a principal place of business at 20 Trafalgar Square, Suite 310, Nashua, New Hampshire.
2. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is a United States government organization with a mailing address of 12 New England Executive Park, Burlington, Massachusetts.
3. The Defendant, Harbor Homes, Inc. is a New Hampshire non-profit corporation with a principal place of business at 45 High Street, Nashua, New Hampshire.

4. The Defendant, Enterprise Bank and Trust Company is a foreign profit corporation with a principal address of 222 Merrimack Street, Lowell, Massachusetts with a branch office located at 493 Amherst Street, Nashua, New Hampshire.

5. The Defendant, New Hampshire Community Loan Fund, Inc. is a New Hampshire non-profit corporation with a principal address of 7 Wall Street, Concord, New Hampshire.

6. The Defendant, GSR Ventures, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Unit 100, Nashua, New Hampshire.

7. The Defendant, The Millyard Bank is a domestic profit corporation with a principal address of 57 Northeastern Boulevard, Nashua, New Hampshire.

8. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is a New Hampshire non-profit corporation with a principal address of 12 Murphy Drive, Unit 3, Nashua, New Hampshire.

9. The Defendant, Zhang Holdings, LLC is a domestic limited liability corporation with a principal address of 12 Murphy Drive, Suite 100, Nashua, New Hampshire.

10. The Defendant, TD Bank, N.A., is a national banking association, with a principal address at 2035 Limestone Road, Wilmington, Delaware with a local main office at 300 Franklin Street, Manchester, New Hampshire.

11. The Defendant, SPSC Associates, LLC is a domestic limited liability company with a mailing address of c/o Residuary Trust under Article Fourth u/w/o James F Gieber, 10 Drum Hill Lane, Randolph, New Jersey.

12. This court has jurisdiction as the real estate in question is owned by the Plaintiff is located in Nashua, County of Hillsborough and State of New Hampshire.

## FACTS

13. The Plaintiff is the owner of the real estate located at 57 Northeastern Boulevard, Nashua, New Hampshire, and shown as Tax Map 140, Lot 68 on the City of Nashua Tax Assessor's sheets. The property was conveyed to the Plaintiff by deed of Q. Peter Nash and Debra A. Nash, Trustees of the Gerald Q. Nash 1987 Trust, David Tully and Samuel A. Tamposi, Jr. Trustees of the Samual A. Tamposi 1987 Trust, Ballinger Properties, LLC and Five N Associates, dated April 5, 1995, and recorded in the Hillsborough County Registry of Deeds in Book 5620, Page 601. Reference is also made to a name change document recorded in said Registry February 1, 2000 in Book 6205, Page 1463.

14. The Plaintiff's property is also shown as Lot 68/Sheet 140 on a Plan of Land entitled "Subdivision Plan, 55 Northeastern Boulevard, Nashua, NH" dated May 28, 2002 and recorded in the Hillsborough County Registry of Deeds as Plan No. 32343.

15. The Defendant, Department of Transportation, Federal Aviation Administration, New England Region is the owner of property located at 11 Murphy Drive, Nashua, New Hampshire and acquired title by deed dated August 18, 1995 and recorded in the Hillsborough County Registry of Deeds in Book 5649, Page 1296.

16. Harbor Homes, Inc. is the owner of property located at 75-77 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated January 11, 2017 and recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1207.

17. The Defendant, Enterprise Bank and Trust Company is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1210 and an Assignment of Rents and Leases recorded at Book 8936, Page 1232.

18. The Defendant, New Hampshire Community Loan Fund, Inc. is the holder of a mortgage granted by Harbor Homes, Inc., said mortgage is recorded in the Hillsborough County Registry of Deeds at Book 8936, Page 1237 and an Assignment of Rents and Leases recorded at Book 8936, Page 1257.

19. GSR Ventures is the owner of 12 Murphy Drive, Unit 100, Nashua, New Hampshire and acquired title by deed dated August 15, 2005 and recorded in the Hillsborough County Registry of Deeds in Book 7524, Page 2615.

20. The Defendant, The Millyard Bank is the holder of a mortgage granted by GSR Ventures, LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9642, Page 2915 and an Assignment of Rents and Leases recorded at Book 9642, Page 2932.

21. The Defendant, Nashua Lodge 720 Benevolent and Protective Order of Elks of the United States of America is the owner of property located at 12 Murphy Drive, Unit 3, Nashua, New Hampshire and acquired title to the property by deed dated July 22, 2016 and recorded in the Hillsborough County Registry of Deeds at Book 8877, Page 2882.

22. The Defendant, Zhang Holdings LLC is the owner of property located at 12 Murphy Drive, Suite 100, Nashua, New Hampshire and acquired title to the property by deed dated March 23, 2023 and recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2200.

23. The Defendant, TD Bank, N.A. is the holder of a mortgage granted by Zhang Holdings LLC, said mortgage recorded in the Hillsborough County Registry of Deeds at Book 9690, Page 2202 and an Assignment of Leases and Rents recorded at Book 9690, Page 2236.

24. SPSC Associates, LLC is the owner of property located at 85 Northeastern Boulevard, Nashua, New Hampshire and acquired title by deed dated April 22, 1999 and recorded in the Hillsborough County Registry of Deeds at Book 6093, Page 1165.

25. The above-referenced Subdivision Plan was submitted to the City of Nashua Planning Board. Following a public hearing and on August 8, 2002, the City of Nashua Planning Board approved the Subdivision Plan. The plan of land creating the Plaintiff's lot was recorded in the Hillsborough County Registry of Deeds on March 21, 2003 as Plan No. 32343.

26. The subdivision application and the approved plan depicted the creation of the Plaintiff's lot whereby the lot would contain 2.18 acres.

27. On May 13, 2003, the City of Nashua Building Inspector issued a "Foundation Only" building permit for the property. In 2003, the Plaintiff constructed the foundation in accordance with the permit. The foundation is set back approximately 30 feet from Northeastern Boulevard.

28. A site plan dated September 4, 2019 was prepared on behalf of the Plaintiff and submitted with the City of Nashua Planning Board. The 2019 site plan depicted a two-story building with associated parking areas, accessways, walkways and drainage areas. The site plan depicted a building with less than 75 feet building setback from Northeastern Boulevard.

29. A 28,000 square foot commercial office building and improvements including parking, access ways, drainage areas and landscaping was constructed on the property in 2020. The building was constructed on the foundation installed in 2003.

30. The site plan depicted paving and other artificial surface areas, some of which had a setback of less than 10 feet from all property lines on the lot.

31. The 2019 site plan also depicted the lot as containing 2.18 acres.

32. On April 4, 1977, Samuel A. Tamposi and Gerald Q. Nash executed a Declaration of Covenants which was recorded in the Hillsborough County Registry of Deeds on April 20, 1977 at Book 2521, Page 631, hereinafter "Covenants". A copy of the Covenants is attached hereto as Exhibit 1.

33. The Covenants imposed several restrictions on the Plaintiff's property including the following Covenants:

- A. There shall be no use or sale or conveyance of any lot in the above-described parcels unless such lot shall be at least three (3) acres in size.
- B. No more than forty percent (40%) of the area of any such lot shall be utilized by any buildings or structures or combination thereof.
- C. Every building or structure on any such lot shall be set back a minimum of seventy-five (75) feet from all street lines, and a minimum of thirty (30) feet from all other property lines of the lot on which they stand. All paving or other artificial surfacing shall be set back a minimum of ten (10) feet from all property lines of the lot on which it is placed.
- ...
- H. The said premises shall be used in conformity with the requirements of the Zoning Ordinance of the City of Nashua as amended to July 22, 1966.

34. Since 2002, the subject parcel has contained 2.18 acres whereas Covenant A requires 3 acres.

35. The subject property contains building area, including paved areas, access ways and walk ways, which comprise more than 40% of the area of the lot.

36. The building on the property is located less than 75 feet from Northeastern Boulevard, specifically, the building is located approximately 30 feet from Northeastern Boulevard and elements of the paving and other artificial surface areas are not set back 10 feet from all property lines.

37. The violation of the lot size and location of the building foundation has been in existence for over 21 years. The violation of lot lines has been publicly disclosed, notice of which was provided to the Defendants or their predecessors in title and installed in such a way that it has been open, obvious and notorious.

38. The building, ancillary structures, improvements and setbacks conform to the Zoning Ordinance for the City of Nashua in effect at the time of the construction. The Zoning Ordinance in effect in 1966 is not applicable to the building as constructed and approved decades later.

39. No person acting through the Defendants or any other person have protested or objected to any violation of the Covenants or otherwise sought to enforce the Covenants.

40. At the time of the creation of the Covenants in 1977, the Plaintiff's property was vacant. The improvements and structures constructed are significant changes to the property. These improvements are in harmony with the existing uses of the area including the uses of the Defendants' properties. The Defendants would not be benefitted by enforcement of the Covenants.

41. Injunctive relief against violation of the obligations arising out of a promise respecting the use of land cannot be secured if conditions have so changed since the making of the promise as to make it impossible longer to secure in a substantial degree the benefits intended to be secured by the performance of the promise. See *Restatement (First) of Property* § 564 (1944) cited in *Goldberg v Al Tinson, Inc.* 115 N.H. 271, 274 ((1975)).

42. All actions of the Plaintiff were done in a public manner, openly and conspicuously. In reliance upon the lack of any objection, the building was constructed on the

property and in conformance with the site plan and subdivision plan. Any enforcement of the Covenants is unreasonable and will cause substantial prejudice to the Plaintiff.

43. Because it is an equitable doctrine, “laches will constitute a bar to suit only if the delay was unreasonable and prejudicial.” *Jenot v. White Mt. Acceptance Corp.*, 124 N.H. 701, 710, 474 A.2d 1382, 1387 (1984).

44. The Covenants constitute a cloud upon the Plaintiff’s title to the property and no benefit would accrue to the Defendants by any enforcement thereof.

45. Plaintiff seeks a declaratory ruling that the Covenants are null and void and that an enforcement action cannot be maintained as a result of the expiration of 20 years since the lot was created and the foundation installed, the changed circumstances and the unreasonable delay on behalf of the Defendants or any other person or entity thereunder who would have standing to enforce the Covenants.

WHEREFORE, the Plaintiff respectfully requests:

A. That the Court schedule this matter for a hearing on the merits;

B. That the Court issue and rule that the Defendants may not enforce the Covenants so that the Plaintiff may continue to use and occupy the building, structures and improvements constructed on Lot 68/140 being 57 Northeastern Boulevard, Nashua, New Hampshire consistent with the site plans and permits as approved by the City of Nashua, unencumbered by the Declaration of Covenants;

C. For such other and further relief as may be just.

Respectfully submitted,

1987 TAMPOSI LIMITED PARTNERSHIP,  
By Its Sole General Partner,  
Ballinger Properties, L.L.C.

Dated: February 26, 2024

By: Samuel A. Tamposi, Jr., Manager  
Samuel A. Tamposi, Jr., Manager

BY AND THROUGH ITS ATTORNEYS,  
GOTTESMAN & HOLLIS, PA

Dated: February 26, 2024

By: Paul M. DeCarolis  
Paul M. DeCarolis, Esq. (NH Bar #596)  
39 East Pearl Street  
Nashua, NH 03060  
(603) 889-5959  
[pdecarolis@nh-lawyers.com](mailto:pdecarolis@nh-lawyers.com)

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

True Copy Attest



Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

**DOCKET MARKINGS**  
**AS TO DEFENDANT ZHANG HOLDINGS, LLC ONLY**

NOW COMES the Plaintiff, 1987 Tamposi Limited Partnership, by and through its attorneys, Gottesman & Hollis, P.A., and Defendant Zhang Holdings, LLC, by and through its attorneys, Cleveland, Waters & Bass, P.A., and agree as follows:

“Neither party; no interest; no costs; no further action for the same cause.”

Respectfully submitted

1987 TAMPOSI LIMITED PARTNERSHIP  
 By its attorneys,  
 GOTTESMAN & HOLLIS, P.A.

Paul M. DeCarolis, Esq., NH Bar No. 596  
 39 East Pearl Street  
 Nashua, NH 03060  
 (603) 889-5959  
[pdecarolis@nh-lawyers.com](mailto:pdecarolis@nh-lawyers.com)

ZHANG HOLDINGS, LLC  
 By its Attorneys,  
 CLEVELAND, WATERS & BASS, P.A.

Kristin G. Fields, Esq. (NH Bar No. 20631)  
 Two Capital Plaza, 5<sup>th</sup> Floor  
 Concord, NH 03301  
 (603) 224-7761  
[fieldsk@cwbpa.com](mailto:fieldsk@cwbpa.com)

Dated: May 29, 2024

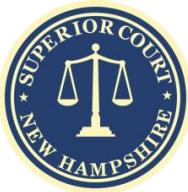
Dated: 5/30, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of <sup>JUN 4</sup> May, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.

Paul M. DeCarolis  
Paul M. DeCarolis

## THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICTSUPERIOR COURT  
226-2024-CV-00102

True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

1987 Tamposi Limited Partnership

v.

Department of Transportation, Federal Aviation Administration et al

**PLAINTIFF'S MOTION TO EXTEND SERVICE DEADLINE**

NOW COMES, the Plaintiff, 1987 Tamposi Limited Partnership, by and through its counsel, Gottesman & Hollis, PA, and requests that this Court extend the deadline for service of the Summons/Complaint, and in support thereof, states as follows:

1. Plaintiff filed its Petition to Quiet Title with the Court on February 27, 2024 and the Court issued orders of notice for service on the multiple defendants on March 4, 2024. The orders of notice indicated that service must be completed by April 18, 2024.

2. On March 5, 2024, Plaintiff's counsel hand delivered 7 Summons to the Hillsborough County Sheriff's Office in Nashua with instructions to serve the defendants: Harbor Hoes, Inc., Enterprise Bank, GSR Ventures, LLC, Millyard Bank, Nashua Elks Lodge 720, Zhang Holdings, LLC and SPSC Associates, LLC. The cover letter indicated that should the sheriff's office encountered service issues, to immediately contact Plaintiff's counsel's office.

3. On March 6, 2024, Plaintiff's counsel forwarded a summons to the Middlesex County Sheriff's Office in Chelmsford, Massachusetts with instruction to serve the FAA at 12 New England Executive Park in Burlington, Massachusetts.

Clerk's Notice of Decision  
Document Sent to Parties  
on 04/30/2024



4. On March 8, 2024, Plaintiff's counsel notified the sheriff's office that service was not necessary for Harbor Homes, Inc. as Attorney J. Bradford Westgate indicated that he would accept service on behalf of Harbor Homes, Inc.

5. Plaintiff's office has contacted the Hillsborough County Sheriff's Office multiple occasions, including last week, to inquire to the status of the service of the multiple defendants and was informed that they are aware of the return date and all service should be completed by that date.

6. On April 2, 2024, undersigned counsel received a call from the Middlesex County Sheriff's Office indicating that they were in possession of the summons but their office has been backlogged and they were attempting to serve the FAA prior to the deadline. As of the date of this filing, service has not been completed.

7. Plaintiff's counsel contacted the Hillsborough County Sheriff's Office on April 18 and was informed that only a few of the defendants were served. Service was completed on Enterprise Bank on April 2, 2024 and on the Millyard Bank and Zhang Holdings, LLC on April 9, 2024. There were having service issues with GSR Ventures, Nashua Elks Lodge and SPSC Associates, LLC.

8. The Hillsborough County Sheriff's Office has had the summonses for 6 weeks and only started to serve the defendants until the beginning of April, ran into issues with service and not once contacted Plaintiff's office regarding the issue of service. Undersigned counsel requested the returns of service for those that have been served, and was told that the paperwork was not ready.

9. Defendant SPSC Associates, LCC listed the firm of Merra & Kanakis as the registered agent with the NH Secretary of State in its Annual Report dated March 21, 2024, even

though that firm is no longer active. Plaintiff will serve SPSC Associates, LLC via the Secretary of State's office and registered mail.

10. Due to the issues of service regarding the remaining defendants, Plaintiff requests an additional 45 days to complete service.

WHEREFORE, the Plaintiff respectfully requests:

A. Extend the return of service deadline to June 3, 2024 in order to allow the Plaintiff to complete service on the remaining defendants; and

B. For such other and further relief as may be just and equitable.

Respectfully submitted,

1987 TAMPOSI LIMITED PARTNERSHIP,  
By its Attorneys,  
GOTTESMAN & HOLLIS, PA



By:

Paul M. DeCarolis, Esq. (NH Bar #596)  
39 East Pearl Street  
Nashua, NH 03060  
(603) 889-5959  
[pdecarolis@nh-lawyers.com](mailto:pdecarolis@nh-lawyers.com)

Dated: April 18, 2024

#### CERTIFICATE OF SERVICE

I hereby certify that on this 18<sup>th</sup> day of April, 2024, this document was filed through the Court's electronic filing system and will be served electronically to all interested parties.



Paul M. DeCarolis, Esq.



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

1987 Tamposi Limited Partnership, )  
Plaintiff, )  
v. )  
Department of Transportation, )  
Federal Aviation Administration, et al. )  
Defendants. )



True Copy Attest

Amy Johnson

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

NOTICE OF FILING OF  
NOTICE OF REMOVAL OF CIVIL ACTION

TO: Amy M. Feliciano  
Clerk of Court  
Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua, NH 03060

Paul M. DeCarolis, Esquire  
Gottesman & Hollis, PA  
39 East Pearl Street  
Nashua, NH 03060

J. Daniel Marr, Esquire  
Hamblett & Kerrigan, PA  
20 Trafalgar Square, Suite 505  
Nashua, NH 03063

Peter J. Nicosia, Esquire  
Nicosia & Associates, PC  
P.O. Box 721  
Tyngsboro, MA 01879

Please take notice that on June 12, 2024, Jane E. Young, United States Attorney for the District of New Hampshire, filed with the Clerk of the United States District Court for the District of New Hampshire, a notice of the removal of the above-entitled action. A copy of the notice is attached.

Respectfully submitted,

JANE E. YOUNG  
United States Attorney

By: /s/ Michael McCormack  
Michael McCormack  
Assistant U.S. Attorney  
NH Bar No. 16470  
United States Attorney's Office  
53 Pleasant Street, 4th Floor  
Concord, NH 03301  
(603) 225-1552  
Michael.McCormack2@usdoj.gov

Dated: June 12, 2024

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: Hillsborough Superior Court Southern District ▼  
Case Name: 1987 Tamposi Limited Partnership vs. Department of Transportation et al  
Case Number: 226-2024-CV-00102  
(if known)

**APPEARANCE/WITHDRAWAL**

**APPEARANCE**

Type of appearance (Select One)

Appearance  Limited Appearance (*Civil cases only*)

If limited appearance, scope of representation:

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---



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

Select One:

As Counsel for:

**SPSC Associates LLC**

(Name)	(Address)	(Telephone Number)
(Name)	(Address)	(Telephone Number)
(Name)	(Address)	(Telephone Number)

I will represent myself (*self-represented*)

**WITHDRAWAL**

As Counsel for \_\_\_\_\_

Type of Representation: (Select one)

Appearance:

Notice of withdrawal was sent to my client(s) on: \_\_\_\_\_ at the following address:

---

A motion to withdraw is being filed.

Limited Appearance: (Select one)

I am withdrawing my limited appearance as I have completed the terms of the limited representation.

The terms of limited representation have not been completed. A motion to withdraw is being filed.

Case Name: 1987 Tamposi Limited Partnership vs. Department of Transportation et alCase Number: 226-2024-CV-00102APPEARANCE/WITHDRAWAL**For non e-filed cases:**

I state that on this date I am  mailing by U.S. mail, or  Email (only when there is a prior agreement of the parties to use this method), or  hand delivering a copy of this document to:

1987 Tamposi Limited PartnershipPaul M. DeCarolis, Esq.

Other party

Other party's attorney

**OR****For e-filed cases:**

I state that on this date I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing or hand-delivering copies to all other interested parties.

Peter J. Nicosia, Esq.

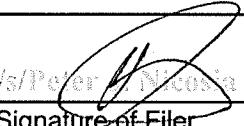
Name of Filer

Nicosia & Associates PC 14922

Law Firm, if applicable Bar ID # of attorney

PO Box 721, 259 Middlesex Road

Address

Tyngsboro MA 01879  
City State Zip code04/24/2024

Signature of Filer

Date

(978) 649-4300

Telephone

nicosia@nicosia-associates.com

E-mail

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
**SUPERIOR COURT**



Hillsborough Superior Court Southern District  
 30 Spring Street  
 Nashua NH 03060

Telephone: 1-855-212-1234  
 TTY/TDD Relay: (800) 735-2964  
<https://www.courts.nh.gov>

**SUMMONS IN A CIVIL ACTION**

**1987 Tamposi Limited Partnership v Department of Transportation Federal Aviation Administration, et al**  
**Case Name: Case Number: 226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millary Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

June 22, 2024

1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

July 13, 2024

1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant is served

Department of Transportation Federal Aviation Administration must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Department of Transportation Federal Aviation Administration:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolis, ESQ  
 Department of Transportation  
 Federal Aviation  
 Administration  
 J. Daniel Marr, ESQ

Peter J. Nicosia, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060  
 12 New England Executive Park Burlington MA 01803

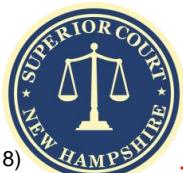
Hamblett & Kerrigan PA 20 Trafalgar Sq Ste 505 Nashua NH 03063

Nicosia & Associates PC PO Box 721 Tyngsboro MA 01879

**BY ORDER OF THE COURT**

Amy M. Feliciano  
 Clerk of Court

May 08, 2024



True Copy Attest

  
 Amy M. Feliciano  
 Clerk of Court

NHJB-2678-Se (07/01/2018)

**This is a Service Document For Case: 226-2024-CV-00102**

**Hillsborough Superior Court Southern District**

**6/12/2024 2:10 PM**

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<https://www.courts.nh.gov>

**1987 TAMPOSI LIMITED PARTNERSHIP  
INSTRUCTIONS FOR SERVICE  
BY THE SHERIFF'S DEPARTMENT**

**1987 Tamposi Limited Partnership v Department of Transportation Federal**

Case Name: **Aviation Administration, et al**  
Case Number: **226-2024-CV-00102**

**Instructions for: 1987 Tamposi Limited Partnership**

The attached Summons must be sent to the Sheriff's Department for service. Service must be completed on or before **June 22, 2024**.

**Further action is required by you**

**You must:**

- Print two copies of the Summons per defendant
- Print two copies of the Notice to Defendant per defendant
- Print two copies of the Complaint filed with the Court per defendant
- Make two packets for service. Each packet should contain:
  - One Summons
  - Once Notice for Defendant
  - One Complaint filed with the Court
- Mail or hand deliver the packets to the Sheriff's Department in the county where each defendant resides.

**Sheriff Departments in New Hampshire:**

[Belknap County Sheriff's Department:](#)

[Carroll County Sheriff's Department:](#)

[Cheshire County Sheriff's Department:](#)

[Coos County Sheriff's Department:](#)

[Grafton County Sheriff's Department:](#)

[Hillsborough County Sheriff's Department:](#)

[Merrimack County Sheriff's Department:](#)

[Rockingham County Sheriff's Department:](#)

[Strafford County Sheriff's Department:](#)

[Sullivan County Sheriff's Department:](#)

**\*If one or more of the parties resides out of state, please click [here](#) for the requirements\***

Service must be made upon the defendant before **June 22, 2024**.

If the Sheriff is unable to complete service by **June 22, 2024** you will receive a "Notice of Incomplete Service" from the Sheriff's Department. You may request that new paperwork be issued by electronically filing a Request for Documents. There is a fee for this request.

The Sheriff will mail the 'Return of Service' to you. You MUST electronically file the 'Return of Service' with the court by July 13, 2024.

**If service is not made as directed, no further action will occur and the case may be dismissed by the court.**

# Important Service Information for Sheriff

Do not file this with the court

Provide this information to the Sheriff's Department.

See Instructions for Service for more information.

**PLEASE PRINT CLEARLY**

Date: \_\_\_\_\_

Case #: \_\_\_\_\_

## **Who are you requesting to be served?**

Please provide whatever information you know

Name: \_\_\_\_\_

Address for service (no P.O. boxes):  
\_\_\_\_\_

APT #: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Cell phone #: \_\_\_\_\_

Sex:  Male  Female

Race: \_\_\_\_\_

Last 4 digits of SS#: xxx-xx- \_\_\_\_\_ D.O.B. \_\_\_\_\_

Work name & address:  
\_\_\_\_\_

Special instructions for service (i.e. directions, best time to serve, cautions, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

Vehicle description/license plate:  
\_\_\_\_\_

## **Your Information:**

Name (please print): \_\_\_\_\_

Residential address:  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address:  
\_\_\_\_\_  
\_\_\_\_\_

Phone number to contact you during business hours:  
\_\_\_\_\_  
\_\_\_\_\_

Alternate #: \_\_\_\_\_

Signature  
\_\_\_\_\_

♦IN-HAND SERVICE WILL INCUR EXTRA COSTS DUE TO ADDITIONAL TRAVEL♦

## **SHERIFF OFFICE USE ONLY: (This will vary by Sheriff's Office)**

Fees Paid: \$ \_\_\_\_\_ Cash #: \_\_\_\_\_ Check#: \_\_\_\_\_

Id#: \_\_\_\_\_ Waiver: \_\_\_\_\_ Money Order#: \_\_\_\_\_ Credit Card: \_\_\_\_\_

Sheriff File # \_\_\_\_\_ Authorization #: \_\_\_\_\_

**Instructions for filing the Return of Service:**

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.nh.gov](http://www.courts.nh.gov), select the Electronic Services icon and then select the option for a self-represented party.

1. Select "I am filing into an existing case". Enter 226-2024-CV-00102 and click Next.
2. When you find the case, click on the link follow the instructions on the screen. On the "What would you like to file?" screen, select "File Other Document" and choose "Return of Service".
3. Scan the Return of Service packet and follow the instructions in the electronic filing program to upload the Return of Service to complete your filing.
4. If the sheriff was unable to serve the paperwork, you can request new paperwork by filing a Request for Documents. On the "What would you like to file?" screen, select "File Other Document" and choose "Request for Reissued Summons" from the menu and upload the Request for Documents form.

**FAILURE TO FILE THESE DOCUMENTS MAY RESULT IN YOUR CASE BEING DISMISSED.**

---

May 08, 2024

Date

---

Amy M. Feliciano

Clerk of Court

You can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<https://www.courts.nh.gov>

**NOTICE TO DEFENDANT**

**1987 Tamposi Limited Partnership v Department of Transportation  
Federal Aviation Administration, et al  
Case Number: 226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.nh.gov](https://www.courts.nh.gov), select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

**IMPORTANT:** After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: [www.courts.nh.gov](https://www.courts.nh.gov).

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.



**U.S. Department of Justice**

**Jane E. Young**  
United States Attorney  
District of New Hampshire

Federal Building (603) 225-1552  
53 Pleasant Street, 4<sup>th</sup> Floor  
Concord, New Hampshire 03301

June 12, 2024

Amy M. Feliciano  
Clerk of Court  
Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua, NH 03060



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

Re: 1987 Tamposi Limited Partnership v. Department of Transportation, FAA, et al.  
Case Number: 226-2024-CV-00102

Dear Clerk Feliciano:

Rule 81.1(c) of the Rules of the United States District Court for the District of New Hampshire states that a party filing a notice of removal of an action from a state court to a Federal District Court must, within 10 days, also file a certified or attested copy of all records and proceedings of that state court and a certified or attested copy of all docket entries of that state court. Accordingly, I am requesting that you mail to this office a certified or attested copy of all papers on record and a list of the docket entries in the above-captioned case. Only one certification is needed for the entire package, I do not need certification of individual pages.

If there is a charge for this, please bill this office, including on the bill your tax identification number.

Sincerely,

JANE E. YOUNG  
United States Attorney

By: /s/ Michael McCormack  
Michael McCormack  
Assistant U.S. Attorney

cc: Paul M. DeCarolis, Esquire

# THE STATE OF NEW HAMPSHIRE

## JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

**Case Number:** \_\_\_\_\_  
(if known)

## REQUEST FOR DOCUMENTS

## New Summons for service

I am requesting paperwork for service by (choose one):

Sheriff       Certified Mail (if allowed by law)

**Person to be served:**

---

Name

---

## Address

- Writ of Execution (RSA 527:6)
- Original Writ (Writ of Attachment)
- Juror Questionnaires
- Certificates and Certified Copies
  - Entire file
  - Document(s) (please list below)

## Certificate of Judgment

## □ Exemplification of Judgment

---

**Name of Filer**

---

**Signature**

Date

Law Firm, if applicable

Bar ID # of attorney

---

**Telephone**

---

## Address

---

E-mail:

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>



True Copy Attest

Amy M. Feliciano  
Clerk of Court  
June 12, 2024

**SUMMONS IN A CIVIL ACTION**



**Case Name: 1987 Tamposi Limited Partnership v Department of Transportation Federal  
Aviation Administration, et al  
Case Number: 226-2024-CV-00102**

Date Complaint Filed: February 27, 2024

A Complaint has been filed against Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millary Bank; Zhang Holdings, LLC in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

April 18, 2024

1987 Tamposi Limited Partnership shall have this Summons and the attached Complaint served upon Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millary Bank; Zhang Holdings, LLC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

May 09, 2024

1987 Tamposi Limited Partnership shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant is served

Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millary Bank; Zhang Holdings, LLC must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Department of Transportation Federal Aviation Administration; Enterprise Bank; GSR Ventures, LLC; Harbor Homes, Inc; Nashua Lodge 720 Benevolent and Protective Order of Elks; New Hampshire Community Loan Fund, Inc; SPSC Associates, LLC; TD Bank, NA; The Millary Bank; Zhang Holdings, LLC:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Paul Mario DeCarolis, ESQ

Gottesman & Hollis PA 39 E Pearl St Nashua NH 03060

Department of Transportation	12 New England Executive Park Burlington MA 01803
Federal Aviation	
Administration	
Harbor Homes, Inc	45 Hight Street Nashua NH 03060
Enterprise Bank	493 Amherst Street Nashua NH 03063
New Hampshire Community	7 Wall Street Concord NH 03301
Loan Fund, Inc	
GSR Ventures, LLC	10 Quarry Road Nashua NH 03062
The Millyard Bank	57 Northeastern Boulevard Nashua NH 03062
Nashua Lodge 720 Benevolent	12 Murphy Drive Unit 3 Nashua NH 03062
and Protective Order of Elks	
Zhang Holdings, LLC	12 Murphy Drive Suite 100 Nashua NH 03062
TD Bank, NA	300 Franklin Street Manchester NH 03101
SPSC Associates, LLC	c/o Residuary Trust under Article Fourth u/w/o James F Gieber 10 Drum Hill Lane Randolph NJ 07869

BY ORDER OF THE COURT

Amy M. Feliciano  
Clerk of Court

March 04, 2024

(1261021)

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**1987 TAMPOSI LIMITED PARTNERSHIP  
INSTRUCTIONS FOR SERVICE  
BY THE SHERIFF'S DEPARTMENT**

**1987 Tamposi Limited Partnership v Department of Transportation Federal**

Case Name: **Aviation Administration, et al**  
Case Number: **226-2024-CV-00102**

**Instructions for: 1987 Tamposi Limited Partnership**

The attached Summons must be sent to the Sheriff's Department for service. Service must be completed on or before **April 18, 2024**.

**Further action is required by you**

**You must:**

- Print two copies of the Summons per defendant
- Print two copies of the Notice to Defendant per defendant
- Print two copies of the Complaint filed with the Court per defendant
- Make two packets for service. Each packet should contain:
  - One Summons
  - Once Notice for Defendant
  - One Complaint filed with the Court
- Mail or hand deliver the packets to the Sheriff's Department in the county where each defendant resides.

**Sheriff Departments in New Hampshire:**

[Belknap County Sheriff's Department:](#)

[Carroll County Sheriff's Department:](#)

[Cheshire County Sheriff's Department:](#)

[Coos County Sheriff's Department:](#)

[Grafton County Sheriff's Department:](#)

[Hillsborough County Sheriff's Department:](#)

[Merrimack County Sheriff's Department:](#)

[Rockingham County Sheriff's Department:](#)

[Strafford County Sheriff's Department:](#)

[Sullivan County Sheriff's Department:](#)

**\*If one or more of the parties resides out of state, please click [here](#) for the requirements\***

Service must be made upon the defendant before **April 18, 2024**.

If the Sheriff is unable to complete service by **April 18, 2024** you will receive a "Notice of Incomplete Service" from the Sheriff's Department. You may request that new paperwork be issued by electronically filing a Request for Documents. There is a fee for this request.

The Sheriff will mail the 'Return of Service' to you. You MUST electronically file the 'Return of Service' with the court by May 09, 2024.

**If service is not made as directed, no further action will occur and the case may be dismissed by the court.**

# Important Service Information for Sheriff

Do not file this with the court

Provide this information to the Sheriff's Department.

See Instructions for Service for more information.

**PLEASE PRINT CLEARLY**

Date: \_\_\_\_\_

Case #: \_\_\_\_\_

## **Who are you requesting to be served?**

Please provide whatever information you know

Name: \_\_\_\_\_

Address for service (no P.O. boxes):  
\_\_\_\_\_

APT #: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Cell phone #: \_\_\_\_\_

Sex:  Male  Female

Race: \_\_\_\_\_

Last 4 digits of SS#: xxx-xx- \_\_\_\_\_ D.O.B. \_\_\_\_\_

Work name & address:  
\_\_\_\_\_

Special instructions for service (i.e. directions, best time to serve, cautions, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

Vehicle description/license plate:  
\_\_\_\_\_

## **Your Information:**

Name (please print): \_\_\_\_\_

Residential address:  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address:  
\_\_\_\_\_  
\_\_\_\_\_

Phone number to contact you during business hours:  
\_\_\_\_\_  
\_\_\_\_\_

Alternate #: \_\_\_\_\_

Signature  
\_\_\_\_\_

♦IN-HAND SERVICE WILL INCUR EXTRA COSTS DUE TO ADDITIONAL TRAVEL♦

## **SHERIFF OFFICE USE ONLY: (This will vary by Sheriff's Office)**

Fees Paid: \$ \_\_\_\_\_ Cash #: \_\_\_\_\_ Check#: \_\_\_\_\_

Id#: \_\_\_\_\_ Waiver: \_\_\_\_\_ Money Order#: \_\_\_\_\_ Credit Card: \_\_\_\_\_

Sheriff File # \_\_\_\_\_ Authorization #: \_\_\_\_\_

**Instructions for filing the Return of Service:**

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party.

1. Select "I am filing into an existing case". Enter 226-2024-CV-00102 and click Next.
2. When you find the case, click on the link follow the instructions on the screen. On the "What would you like to file?" screen, select "File Other Document" and choose "Return of Service".
3. Scan the Return of Service packet and follow the instructions in the electronic filing program to upload the Return of Service to complete your filing.
4. If the sheriff was unable to serve the paperwork, you can request new paperwork by filing a Request for Documents. On the "What would you like to file?" screen, select "File Other Document" and choose "Request for Reissued Summons" from the menu and upload the Request for Documents form.

**FAILURE TO FILE THESE DOCUMENTS MAY RESULT IN YOUR CASE BEING DISMISSED.**

March 04, 2024

Date

Amy M. Feliciano

Clerk of Court

You can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhcourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE TO DEFENDANT**

**1987 Tamposi Limited Partnership v Department of Transportation  
Federal Aviation Administration, et al  
226-2024-CV-00102**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Hillsborough Superior Court Southern District**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Hillsborough Superior Court Southern District** as the location.
3. Select "I am filing into an existing case". Enter **226-2024-CV-00102** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

**IMPORTANT:** After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us).

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.